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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 May 2009_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _40-46, 48-56 and 58-71_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _40-46, 48-56 and 58-71_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

       1. ☒ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on May 5th, 2009 has been entered. Claims 40, 54

and 68-70 have been amended. Claims 47 and 57 have been canceled. Claims 40-46,

48-56 and 58-71 are pending in the application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 40-41, 54-55 and 68-69 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Franz et al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817)

and further in view of Warnock et al. (US 6,151,576).

Franz et al. disclose a translating apparatus for translating a first language

sentence expression into second language expression with the following features:

regarding claim 40, a voice data transmitting system, comprising a communication

terminal configured to generate packets based on voice data (Fig. 5, a block diagram

showing an example of a translating apparatus, see "an inputting part 1 of translating

apparatus consists of voice recognition device" recited in column 8 lines 35-46),

configured to divide the voice data into clause units in accordance with the divisions in a

manner such that in a case where a part of the voice data specifies a plurality of speech

sounds between two of the division, a corresponding clause unit of the clause units

includes the part of the voice data that specifies the plurality of speech sounds (Fig. 5, a

block diagram showing an example of a translating apparatus, see "the clause dividing

part 4 cuts the first language sentence into clauses" recited in column 9 lines 16-24);

regarding claim 41, the packet combine unit configured to transmit, for each of the

clause units, the corresponding single packet over a communication path (Fig. 5, a

block diagram showing an example of a translating apparatus, see "the clause

combining part 15 supplies to the outputted part 16 for transmission" recited in column

11 lines 24-29); regarding claim 54, a method of creating voice packets, comprising

generating packets based on voice data (Fig. 5, a block diagram showing an example of

a translating apparatus, see "an inputting part 1 of translating apparatus consists of

voice recognition device" recited in column 8 lines 35-46), dividing the voice data into

clause units in accordance with the divisions in a manner such that in a case where a

part of the voice data specifies a plurality of speech sounds between two of the

divisions, a corresponding clause unit of the clause units includes the part of the e voice

data that specifies the plurality of speech sounds (Fig. 5, a block diagram showing an

example of a translating apparatus, see "the clause dividing part 4 cuts the first

language sentence into clauses" recited in column 9 lines 16-24); regarding claim 55,

further comprising transmitting, for each of the clause units, the corresponding single

packet over a communication path (Fig. 5, a block diagram showing an example of a

translating apparatus, see "the clause combining part 15 supplies to the outputted part

16 for transmission" recited in column 11 lines 24-29); regarding claim 68, a voice data

receiving system, comprising (Fig. 5, a block diagram showing an example of a

translating apparatus, see "an inputting part 1 of translating apparatus consists of voice

recognition device" recited in column 8 lines 35-46), a packet division unit configured to

divide each of the plurality of received packets into corresponding plurality of real time

communication packets (Fig. 5, a block diagram showing an example of a translating

apparatus, see "the clause dividing part 4 cuts the first language sentence into clauses"

recited in column 9 lines 16-24) and a communication terminal configured to reproduce

voice data based on the corresponding plurality of real-time communication packets for

each of the plurality of received packets (Fig. 5, a block diagram showing an example of

a translating apparatus, see "the clause combining part 15 combines the results of

plurality of clauses" recited in column 11 lines 21-29); regarding claim 69, a method of

processing packets received over a communication path, the method comprising

receiving a packet comprising a plurality of real-time communication packets

corresponding to a clause unit over the communication path (Fig. 5, a block diagram

showing an example of a translating apparatus, see "an inputting part 1 of translating

apparatus consists of voice recognition device" recited in column 8 lines 35-46), dividing

each of the packets into a corresponding plurality of real-time communication packets

(Fig. 5, a block diagram showing an example of a translating apparatus, see "the clause

dividing part 4 cuts the first language sentence into clauses" recited in column 9 lines

16-24) and reproducing voice data based on the corresponding plurality of real-time

communication packets for each packet (Fig. 5, a block diagram showing an example of

a translating apparatus, see "the clause combining part 15 combines the results of

plurality of clauses" recited in column 11 lines 18-29);

Franz et al. do not disclose the following features: regarding claim 40, a voice

recognizes unit configured to determine divisions of utterances represented by the voice

data at which there are pauses in speech and a packet combine unit configured to

combine, for each of the clause units, every packet of the real time communication

packets that includes portions of the voice data for the clause unit into a corresponding

single packet; regarding claim 54, determining divisions of utterances represented by

the voice data at which there are pauses in speech and combining, for each of the

clause units, every packet of the packets that includes portions of the voice data for the

clause unit into a corresponding single packet.

Takizawa discloses a speech recognizing apparatus with the following features:

regarding claim 40, a voice recognizes unit configured to determine divisions of

utterances represented by the voice data at which there are pauses in speech (Fig. 10,

a schematic block diagram showing the prior art speech recognizing apparatus, see "the

speech recognizing apparatus recognizes the short and long utterances such as clause

and sentence" recited in column 1 lines 9-15 and column 26 lines 7-30); regarding

claim 54, determining divisions of utterances represented by the voice data at which

there are pauses in speech (Fig. 10, a schematic block diagram showing the prior art

speech recognizing apparatus, see "the speech recognizing apparatus recognizes the

short and long utterances such as clause and sentence" recited in column 1 lines 9-15

and column 26 lines 7-30).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. by using the features, as taught by

Takizawa, in order to provide a voice recognizes unit configured to determine divisions

of utterances represented by the voice data at which there are pauses in speech. The

motivation of using these functions is to enhance the system in a cost effective manner.

Franz et al. and Takizawa do not fully disclose the following features: regarding

claim 40, a packet combine unit configured to combine, for each of the clause units,

every packet of the real time communication packets that includes portions of the voice

data for the clause unit into a corresponding single packet and regarding claim 54,

combining, for each of the clause units, every packet of the packets that includes

portions of the voice data for the clause unit into a corresponding single packet.

Warnock et al. disclose a communication system for processing, storage,

transmission and playback of spoken information with the following features: regarding

claim 40, a packet combine unit configured to combine, for each of the clause units,

every packet of the real time communication packets that includes portions of the voice

data for the clause unit into a corresponding single packet (Fig. 1, a schematic block

diagram showing the flow of information in a system processing speech in accordance

with the invention, see "the stream combiner 130 receives the synchronized data stream

and calculates a time stamp for the onset and termination of each clause in the text

stream" recited in column 4 lines 1-33) and regarding claim 54, combining, for each of

the clause units, every packet of the packets that includes portions of the voice data for

the clause unit into a corresponding single packet (Fig. 1, a schematic block diagram

showing the flow of information in a system processing speech in accordance with the

invention, see "the stream combiner 130 receives the synchronized data stream and

calculates a time stamp for the onset and termination of each clause in the text stream"

recited in column 4 lines 1-33).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. with Takizawa by using the features, as

taught by Warnock, in order to provide a packet combine unit configured to combine, for

each of the clause units, every packet of the real time communication packets that

includes portions of the voice data for the clause unit into a corresponding single

packet. The motivation of using these functions is to enhance the system in a cost

effective manner.

6.   Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franz et

al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817) and Warnock et al. (US

6,151,576) and further in view of Hippelainen (US 6,614,797 B1).

Franz et al. disclose the following features: regarding claim 70, a voice data

transmitting system, comprising a communication terminal configured to generate real

time communication packets based on voice data (Fig. 5, a block diagram showing an

example of a translating apparatus, see "an inputting part 1 of translating apparatus

consists of voice recognition device" recited in column 8 lines 35-46), configured to

divide the voice data into clause units in accordance with the divisions in a manner such

that in a case where a part of the voice data specifies a plurality of speech sounds

between two of the division, a corresponding clause unit of the clause units includes the

part of the voice data that specifies the plurality of speech sounds (Fig. 5, a block

diagram showing an example of a translating apparatus, see "the clause dividing part 4

cuts the first language sentence into clauses" recited in column 9 lines 16-24).

Takizawa discloses the following features: regarding claim 70, a voice recognizer unit having input from the communication terminal, the voice recognizer unit configured to determine division of utterances represented by the voice data at which there are pause in speech (Fig. 10, a schematic block diagram showing the prior art speech recognizing apparatus, see "the speech recognizing apparatus recognizes the short and long utterances such as clause and sentence" recited in column 1 lines 9-15 and column 26 lines 7-30).

Warnock et al. disclose the following features: regarding claim 70, and a packet combine unit having inputs from an output of the communication terminal and output of the voice recognizer unit, the packet combine unit configured to combine, for each of the clause units, every packet of the packets that includes portions of the voice data for the clause unit into a corresponding single packet, the packet combine unit configured to transmit for each of the clause units, the corresponding single packet over a communication path (Fig. 1, a schematic block diagram showing the flow of information in a system processing speech in accordance with the invention, see "the stream combiner 130 receives the synchronized data stream and calculates a time stamp for the onset and termination of each clause in the text stream" recited in column 4 lines 1-33).

Franz et al., Takizawa and Warnock do not disclose the following features: regarding claim 70, wherein the communication path is a quality of service (QoS) non-guaranteed network.

Hippelainen a communication system for packet switched transmission with the
following features: regarding claim 70, wherein the communication path is a quality of
service (QoS) non-guaranteed network (Fig. 1, a block diagram of a data transmission
network, see "without the quality of real-time speech transmission is impaired" recited in
column 3 lines 10-19);

It would have been obvious to one of the ordinary skill in the art at the time of
invention to modify the system of Franz et al. with Takizawa by using the features, as
taught by Hippelainen, in order to provide the communication path is a quality of service
(QoS) non-guaranteed network. The motivation of using these functions is to enhance
the system in a cost effective manner.

7.   Claims 42-46, 58-62 and 71 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Franz et al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817)
and Warnock et al. (US 6,151,576) as applied to claim 40 above, and further in view of
Huart et al. (USPN 7,013,267).

Franz et al., Takizawa and Warnock et al. disclose the claimed limitations as
described in paragraphs 5 and 6 above. Franz et al., Takizawa and Warnock et al. do
not disclose the following features: regarding claim 42, further comprising a file producer
unit configured to produce, for each of the clause units, a corresponding file including
the corresponding single packet; regarding claim 43, the file producer unit configured to

transmit, for each of the clause units, the corresponding file further comprising

transmitting, for each of the clause units, the corresponding file; regarding claim 44, the

file producer unit configured to include, for each of the clause units, discrimination data

in the corresponding file indicating contents of the corresponding file; regarding

claim 45, further comprising a transmission monitoring unit configured to determine a

communication state as at least one of a first state, a second state, and a third state, the

voice data transmitting system configured to transmit the packets in a case where the

transmission monitoring unit determines the communication state as being the first

state, transmit, for each of the clause units, the corresponding single packet in a case

where the transmission monitoring unit determines the communication state as being

the second state and transmit, for each of the clause units, the corresponding file in a

case where the third state; regarding claim 46, further comprising: a transmission

monitoring unit configured to determine a communication state as at least one of a first

state and a second state, the voice data transmitting system configured to transmit the

packets in a case where the transmission monitoring unit determines the

communication state as being the first state and transmit, for each of the clause units,

the corresponding single packet in a case where the transmission monitoring unit

determines the communication state as being the second state; regarding claim 58,

further comprising producing, for each of the clause units, a corresponding file including

the corresponding single packet; regarding claim 59, further comprising transmitting, for

each of the clause units, the corresponding file over a communication path; regarding

claim 60, the producing comprising including, for each of the clause units, discrimination

data in the corresponding file that indicates contents of the corresponding file; regarding

claim 61, further comprising determining a communication state as at least one of a first

state, a second state, and a third state, transmitting the packets over a communication

path in a case where the communication state is determined to be the first state,

transmitting, for each of the clause units, the corresponding single packet over the

communication path in a case where the communication state is determined to be the

second state and transmitting, for each of the clause units, the corresponding file over

the communication path in a case where the communication state is determined to be

the third state; regarding claim 62, further comprising determining a communication

state as at least one of a first state and a second state, transmitting the packets over a

communication path in a case where the communication state is determined to be the

first state and transmitting, for each of the clause units, the corresponding single packet

over the communication path in a case where the communication state is determined to

be the second state and regarding claim 71, wherein the communication path is the

internet.

Huart et al. disclose a communication system for reconstructing voice information

with the following features: regarding claim 42, further comprising a file producer unit

configured to produce, for each of the clause units, a corresponding file including the

corresponding single packet (Fig. 1, illustrates a system that includes a destination that

reconstructs voice information, see "where the transmitter produces a single set of data,

i.e. a "file" that includes all the voice samples and the voice parameter" recited in

column 4, lines 16-18); regarding claim 43, the file producer unit configured to transmit,

for each of the clause units, the corresponding file further comprising transmitting, for

each of the clause units, the corresponding file (Fig. 1, illustrates a system that includes

a destination that reconstructs voice information, see "where the transmitter produces a

single set of data, i.e. a "file" that includes all the voice samples and the voice

parameter" recited in col. 4, lines 16-18); regarding claim 44, the file producer unit

configured to include, for each of the clause units, discrimination data in the

corresponding file indicating contents of the corresponding file (Fig. 1, illustrates a

system that includes a destination that reconstructs voice information, see "where the

voice parameter is, as broadly defined, discrimination data" recited in col. 4, lines 16-

18); regarding claim 45, further comprising a transmission monitoring unit configured to

determine a communication state as at least one of a first state, a second state, and a

third state (Fig. 1, illustrates a system that includes a destination that reconstructs voice

information, see "where the system determines the mode of operation it is conducting "

recited in column 4, lines 21-27), the voice data transmitting system configured to

transmit the packets in a case where the transmission monitoring unit determines the

communication state as being the first state (Fig. 1, illustrates a system that includes a

destination that reconstructs voice information, see "where each sample may be

transmitted individually in a given mode " recited in column 4, lines 21-27 and column 3,

lines 63-67), transmit, for each of the clause units, the corresponding single packet in a

case where the transmission monitoring unit determines the communication state as

being the second state (Fig. 1, illustrates a system that includes a destination that

reconstructs voice information, see "where multiple samples may be transmitted in a

single packet in a given mode " recited in column 4, lines 21-27 and column 3, lines 63-

67) and transmit, for each of the clause units, the corresponding file in a case where the

third state (Fig. 1, illustrates a system that includes a destination that reconstructs voice

information, see "where a single packet may be accompanied by a voice parameter in a

given mode where the single packet in conjunction with the voice parameter is the

corresponding file" recited in column 4, lines 21-27); regarding claim 46, further

comprising: a transmission monitoring unit configured to determine a communication

state as at least one of a first state and a second state (Fig. 1, illustrates a system that

includes a destination that reconstructs voice information, see "where the system

determines the mode of operation it is conducting " recited in column 4, lines 21-27), the

voice data transmitting system configured to transmit the packets in a case where the

transmission monitoring unit determines the communication state as being the first state

(Fig. 1, illustrates a system that includes a destination that reconstructs voice

information, see "where each sample may be transmitted individually in a given mode"

recited in column 4, lines 21-27 and column 3, lines 63-67) and transmit, for each of the

clause units, the corresponding single packet in a case where the transmission

monitoring unit determines the communication state as being the second state (Fig. 1,

illustrates a system that includes a destination that reconstructs voice information, see

"where multiple samples may be transmitted in a single packet in a given mode" recited

in column 4, lines 21-27 and column 3, lines 63-67); regarding claim 58, further

comprising producing, for each of the clause units, a corresponding file including the

corresponding single packet (Fig. 1, illustrates a system that includes a destination that

reconstructs voice information, see "where the transmitter produces a single set of data,

i.e. a "file" that includes all the voice samples and the voice parameter" recited in

column 4, lines 16-18); regarding claim 59, further comprising transmitting, for each of

the clause units, the corresponding file over a communication path (Fig. 1, illustrates a

system that includes a destination that reconstructs voice information, see "where the

transmitter produces a single set of data, i.e. a "file" that includes all the voice samples

and the voice parameter" recited in col. 4, lines 16-18); regarding claim 60, the

producing comprising including, for each of the clause units, discrimination data in the

corresponding file that indicates contents of the corresponding file (Fig. 1, illustrates a

system that includes a destination that reconstructs voice information, see "where the

voice parameter is, as broadly defined, discrimination data" recited in col. 4, lines 16-

18); regarding claim 61, further comprising determining a communication state as at

least one of a first state, a second state, and a third state (Fig. 1, illustrates a system

that includes a destination that reconstructs voice information, see "where the system

determines the mode of operation it is conducting " recited in column 4, lines 21-27),

transmitting the packets over a communication path in a case where the communication

state is determined to be the first state (Fig. 1, illustrates a system that includes a

destination that reconstructs voice information, see "where each sample may be

transmitted individually in a given mode " recited in column 4, lines 21-27 and column 3,

lines 63-67), transmitting, for each of the clause units, the corresponding single packet

over the communication path in a case where the communication state is determined to

be the second state (Fig. 1, illustrates a system that includes a destination that

reconstructs voice information, see "where multiple samples may be transmitted in a

single packet in a given mode " recited in column 4, lines 21-27 and column 3, lines 63-

67) and transmitting, for each of the clause units, the corresponding file over the

communication path in a case where the communication state is determined to be the

third state (Fig. 1, illustrates a system that includes a destination that reconstructs voice

information, see "where a single packet may be accompanied by a voice parameter in a

given mode where the single packet in conjunction with the voice parameter is the

corresponding file" recited in column 4, lines 21-27); regarding claim 62, further

comprising determining a communication state as at least one of a first state and a

second state (Fig. 1, illustrates a system that includes a destination that reconstructs

voice information, see "where the system determines the mode of operation it is

conducting " recited in column 4, lines 21-27), transmitting the packets over a

communication path in a case where the communication state is determined to be the

first state (Fig. 1, illustrates a system that includes a destination that reconstructs voice

information, see "where each sample may be transmitted individually in a given mode"

recited in column 4, lines 21-27 and column 3, lines 63-67) and transmitting, for each of

the clause units, the corresponding single packet over the communication path in a

case where the communication state is determined to be the second state (Fig. 1,

illustrates a system that includes a destination that reconstructs voice information, see

"where multiple samples may be transmitted in a single packet in a given mode" recited

in column 4, lines 21-27 and column 3, lines 63-67) and regarding claim 71, wherein the

communication path is the internet (Fig. 1, illustrates a system that includes a

destination that reconstructs voice information, see "Network 16 may be the internet"

recited in column 3 lines 30-33).

   It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. with Takizawa and Warnock et al. by

using the features, as taught by Huart et al., in order to provide comprising a file

producer unit configured to produce, for each of the clause units, a corresponding file

including the corresponding single packet, the file producer unit configured to transmit,

for each of the clause units, the corresponding file further comprising transmitting, for

each of the clause units, the corresponding file, the file producer unit configured to

include, for each of the clause units, discrimination data in the corresponding file

indicating contents of the corresponding file, a transmission monitoring unit configured

to determine a communication state as at least one of a first state, a second state, and

a third state, the voice data transmitting system configured to transmit the packets in a

case where the transmission monitoring unit determines the communication state as

being the first state, transmit, for each of the clause units, the corresponding single

packet in a case where the transmission monitoring unit determines the communication

state as being the second state and transmit, for each of the clause units, the

corresponding file in a case where the third state, a transmission monitoring unit

configured to determine a communication state as at least one of a first state and a

second state, the voice data transmitting system configured to transmit the packets in a

case where the transmission monitoring unit determines the communication state as

being the first state and transmit, for each of the clause units, the corresponding single

packet in a case where the transmission monitoring unit determines the communication state as being the second state, the communication terminal configured to generate the packets as real-time communication packets, generating the packets as real-time communication packets, producing, for each of the clause units, a corresponding file including the corresponding single packet, transmitting, for each of the clause units, the corresponding file over a communication path, the producing comprising including, for each of the clause units, discrimination data in the corresponding file that indicates contents of the corresponding file, determining a communication state as at least one of a first state, a second state, and a third state, transmitting the packets over a communication path in a case where the communication state is determined to be the first state, transmitting, for each of the clause units, the corresponding single packet over the communication path in a case where the communication state is determined to be the second state and transmitting, for each of the clause units, the corresponding file over the communication path in a case where the communication state is determined to be the third state, determining a communication state as at least one of a first state and a second state, transmitting the packets over a communication path in a case where the communication state is determined to be the first state and transmitting, for each of the clause units, the corresponding single packet over the communication path in a case where the communication state is determined to be the second state and the communication path is the internet. The motivation of using these functions is to enhance the system in a cost effective manner.

8.   Claims 51-53 and 63-67 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Franz et al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817)

and Warnock et al. (US 6,151,576) as applied to claim 40 and 54 above, and further in

view of McDonald (USPN 6,480,827).

        Franz et al., Takizawa and Warnock et al. disclose the claimed limitations as

described in paragraph 5 above. Franz et al., Takizawa and Warnock et al. do not

disclose the following features: regarding claim 51, the voice recognizer unit configured

to determine the divisions based on a movement of lips of a user that produces the

utterances represented by the voice data; regarding claim 52, the voice recognizer unit

configured to determine the divisions based on vibrations of a throat of a user that

produces the utterances represented by the voice data; regarding claim 53, the voice

recognizer unit configured to determine the divisions based on externally provided

instructions; regarding claim 63, the determining comprising determining the divisions

based on a sound level of a voice that produces the utterances represented by the

voice data; regarding claim 64, the determining comprising determining the divisions

based on a sound pitch of a voice that produces the utterances represented by the

voice data; regarding claim 65, the determining comprising determining the divisions

based on a movement of lips of a user that produces the utterances represented by the

voice data; regarding claim 66, the determining comprising determining the divisions

based on a movement of lips of a user that produces the utterances represented by the

voice data and regarding claim 67, the determining comprising determining the divisions

based on externally provided instructions.

McDonald disclose a communication system for voice which obtains greater

speech correlation performance between input and output utilizing a speech post-

processor with the following features: regarding claim 51, the voice recognizer unit

configured to determine the divisions based on a movement of lips of a user that

produces the utterances represented by the voice data (Fig. 3, a flow chart of the

speech post processor, see "the parsing operation is done in any conventional manner"

recited in column 4, lines 27-35); regarding claim 52, the voice recognizer unit

configured to determine the divisions based on vibrations of a throat of a user that

produces the utterances represented by the voice data (Fig. 3, a flow chart of the

speech post processor, see "the parsing operation is done in any conventional manner"

recited in column 4, lines 27-35); regarding claim 53, the voice recognizer unit

configured to determine the divisions based on externally provided instructions (Fig. 3, a

flow chart of the speech post processor, see "the parsing operation is done in any

conventional manner" recited in column 4, lines 27-35); regarding claim 63, the

determining comprising determining the divisions based on a sound level of a voice that

produces the utterances represented by the voice data (Fig. 3, a flow chart of the

speech post processor, see "the parsing operation is done in any conventional manner"

recited in column 4, lines 27-35) regarding claim 64, the determining comprising

determining the divisions based on a sound pitch of a voice that produces the

utterances represented by the voice data (Fig. 3, a flow chart of the speech post

processor, see "the parsing operation is done in any conventional manner" recited in

column 4, lines 27-35); regarding claim 65, the determining comprising determining the

divisions based on a movement of lips of a user that produces the utterances

represented by the voice data (Fig. 3, a flow chart of the speech post processor, see

"the parsing operation is done in any conventional manner" recited in column 4, lines

27-35); regarding claim 66, the determining comprising determining the divisions based

on a movement of lips of a user that produces the utterances represented by the voice

data (Fig. 3, a flow chart of the speech post processor, see "the parsing operation is

done in any conventional manner" recited in column 4, lines 27-35) and regarding claim

67, the determining comprising determining the divisions based on externally provided

instructions (Fig. 3, a flow chart of the speech post processor, see "the parsing

operation is done in any conventional manner" recited in column 4, lines 27-35).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. with Takizawa and Warnock et al. by

using the features, as taught by McDonald, in order to provide the voice recognizer unit

configured to determine the divisions based on a movement of lips of a user that

produces the utterances represented by the voice data, the voice recognizer unit

configured to determine the divisions based on vibrations of a throat of a user that

produces the utterances represented by the voice data, the voice recognizer unit

configured to determine the divisions based on externally provided instructions, the

determining comprising determining the divisions based on a sound level of a voice that

produces the utterances represented by the voice data, determining comprising

determining the divisions based on a sound pitch of a voice that produces the

utterances represented by the voice data, determining comprising determining the

divisions based on a movement of lips of a user that produces the utterances

represented by the voice data, determining comprising determining the divisions based

on a movement of lips of a user that produces the utterances represented by the voice

data and comprising determining the divisions based on externally provided instructions.

The motivation of using these functions is to enhance the system in a cost effective

manner.

9.   Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Franz et al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817), Warnock et al. (US

6,151,576) and Huart et al. (USPN 7,013,267) as applied to claims 40 and 54 above,

and further in view of McDonald (USPN 6,480,827).

Franz et al., Takizawa and Warnock et al. disclose the claimed limitations as

described in paragraph 5 above. Huart et al. disclose the following features: regarding

claim 49, the voice recognizer unit configured to (Fig. 1, illustrates a system that

includes a destination that reconstructs voice information, see "the processor 26

generates a voice parameter that may be a pitch period magnitude measure" recited in

column 7, lines 12-17); regarding claim 50, the voice recognizer unit configured to (Fig.

1, illustrates a system that includes a destination that reconstructs voice information,

see "the processor 26 generates a voice parameter that may be a pitch period

magnitude measure" recited in column 7, lines 12-17);

Franz et al., Takizawa, Warnock et al. and Huart et al. do not disclose the

following features: regarding claim 49, determine the divisions based on a sound level

of a voice that produces the utterances represented by the voice data; regarding

claim 50, determine the divisions based on a sound pitch of a voice that produces the

utterances represented by the voice data.

McDonald discloses the following features: regarding claim 49, determine the

divisions based on a sound level of a voice that produces the utterances represented by

the voice data (Fig. 3, a flow chart of the speech post processor, see "the parsing

operation is done in any conventional manner" recited in column 4, lines 27-35);

regarding claim 50, determine the divisions based on a sound pitch of a voice that

produces the utterances represented by the voice data (Fig. 3, a flow chart of the

speech post processor, see "the parsing operation is done in any conventional manner"

recited in column 4, lines 27-35).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. with Takizawa, Warnock et al. and Huart

et al. by using the features, as taught by McDonald, in order to provide to determine the

divisions based on a sound level of a voice that produces the utterances represented by

the voice data. The motivation of using these functions is to enhance the system in a

cost effective manner.

10.   Claims 40-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Franz et al. (US 6,393,388 B1) in view of Takizawa (US 5,444,817), Warnock et al. (US

6,151,576) as applied to claims 40 and 54 above, and further in view of Cox et al. (US

6,775,652 B1).

        Franz et al., Takizawa and Warnock et al. disclose the claimed limitations as

described in paragraph 5 above. Franz et al., Takizawa and Warnock et al. do not

disclose the following features: regarding claim 48, the packet combine unit configured

to retransmit, upon receiving a retransfer request for a clause unit of the clause units,

the corresponding single packet for the clause unit; regarding claim 56, further

comprising retransmitting, upon receiving a retransfer request for a clause unit of the

clause units, the corresponding single packet for the clause unit.

        Cox et al. disclose a communication system foe speech recognition over lossy

transmission system with the following features: regarding claim 48, the packet combine

unit configured to retransmit, upon receiving a retransfer request for a clause unit of the

clause units, the corresponding single packet for the clause unit (Fig. 2, depicts a

method of coding, packetizing, transmitting and recognizing speech over a lossy

transmission system, see "request for retransmission of missing or corrupted packet is

made at step 136 and packet is transmitted from the at step 128 from the storage for

each packet before transmission at step 126" recited in column 1 lines 57-67, column 2

lines 1-2 and column 7 lines 2-5); regarding claim 56, further comprising retransmitting,

upon receiving a retransfer request for a clause unit of the clause units, the

corresponding single packet for the clause unit (Fig. 2, depicts a method of coding,

packetizing, transmitting and recognizing speech over a lossy transmission system, see

"request for retransmission of missing or corrupted packet is made at step 136 and

packet is transmitted from the at step 128 from the storage for each packet before

transmission at step 126" recited in column 1 lines 57-67, column 2 lines 1-2 and

column 7 lines 2-5).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Franz et al. with Takizawa and Warnock et al. by

using the features, as taught by Cox et al., in order to provide the packet combine unit

configured to retransmit, upon receiving a retransfer request for a clause unit of the

clause units, the corresponding single packet for the clause unit. The motivation of

using this function is to enhance the system in a cost effective manner.

Response to Arguments

11.   Applicant's arguments with respect to claims 40-71 have been considered but are

moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SYED BOKHARI whose telephone number is (571)270-

3115. The examiner can normally be reached on Monday through Friday 8:00-17:00

Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Syed Bokhari/
Examiner, Art Unit 2416
8/10/2009

/KWANG B. YAO/
Supervisory Patent Examiner, Art Unit 2416